

CLOSED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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TIM MCGEACHY,

Petitioner,

v.

JOHN DOE #1 WARDEN COVER, et al.,

Respondents.

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Hon. Jose L. Linares

Civil No. 10-3342 (JLL)

**ORDER**

For the reasons expressed in the Opinion filed herewith,

IT IS on this 2nd day of June, 2011,

ORDERED that the Clerk shall reopen the file, and shall make a new and separate docket entry reading "CIVIL CASE REOPENED;" and it is further

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted and the Clerk shall file the Complaint without prepayment of the filing fee; and it is further

ORDERED that the Complaint is dismissed for failure to state a claim upon which relief may be granted; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail upon the Attorney General of the State of New Jersey and upon the Warden of Hudson County Correctional Center; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(1)(A), Plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to the Plaintiff's prison account

for the six month period immediately preceding the filing of the Complaint; when funds exist, the agency having custody of Plaintiff shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from the Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the docket number of this action; and it is further

ORDERED that the Clerk shall serve this Order and the accompanying Opinion on Plaintiff by regular mail and shall re-close the file; and it is finally

ORDERED that the Clerk shall make a new and separate docket entry reading "CIVIL CASE TERMINATED."

/s/ Jose L. Linares  
**JOSE L. LINARES, U.S.D.J.**